

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

SPIN MASTER LTD.,

Plaintiff,

vs.

BUREAU VERITAS CONSUMER PRODUCTS
SERVICES, INC. and EUROFINS PRODUCT
SAFETY LABS,

Defendants.

Civil Action No. 08-CV-00923-EAW-HKS

DECLARATION OF ERIC BLUMENFELD

I, Eric Blumenfeld, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney at the law firm of Hughes Hubbard & Reed LLP, counsel for Defendant Bureau Veritas Consumer Products Services, Inc. (“BVCPS”) in the captioned matter. I make this Declaration in support of BVCPS’s Motion for Summary Judgment.

2. Exhibit 1 to this Declaration is a true and correct excerpt of a report that BVCPS produced in discovery in this action which is Bates stamped BVCPS0006996.

3. Exhibit 2 to this Declaration is a true and correct copy of a Distribution Agreement that Plaintiff Spin Master Ltd. (“SML”) produced in discovery in this action which is Bates stamped SP000419.

4. Exhibit 3 to this Declaration is an excerpt from a Distributors’ Scheme that SML produced in discovery in this action which is Bates stamped SP260371-419.

5. Exhibit 4 to this Declaration is an excerpt from the April 5, 2011 deposition of Iain Kennedy in this action.

6. Exhibit 5 to this Declaration is a true and correct copy of SML’s responses to BVCPS’s First Set of Interrogatories dated September 14, 2009.

7. Exhibit 6 to this Declaration is a true and correct copy of BVCPS’s First Set of Requests for Admissions to SML dated July 13, 2009.

8. Exhibit 7 to this Declaration is a true and correct copy of SML's responses to BVCPS's First Set of Requests for Admissions dated September 14, 2009.

9. Exhibit 8 to this Declaration is an excerpt from the April 1, 2016 deposition of SML general counsel Christopher Harrs in this action.

10. Exhibit 9 to this Declaration is an excerpt from the April 29, 2011 deposition of SML executive vice president for sales Christopher Beardall in this action.

11. Exhibit 10 to this Declaration is an excerpt from the March 30, 2016 deposition of SML chief financial officer Mark Segal in this action.

12. Exhibit 11 to this Declaration is an excerpt from the November 18, 2008 deposition of then SML chief operating officer Iain Kennedy in the Aqua Dots MDL.

13. Exhibit 12 is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0000108-110.

14. Exhibit 13 to this Declaration is an excerpt from the October 27, 2010 deposition of then SML vice president Alex Perez in this action.

15. Exhibit 14 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped SP000902-905.

16. Exhibit 15 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0014459.

17. Exhibit 16 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0016224-26.

18. Exhibit 17 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0006719-20.

19. Exhibit 18 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0015520-26.

20. Exhibit 19 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0015773-75.

21. Exhibit 20 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0006715-20.

22. Exhibit 21 to this Declaration is an excerpt from the May 26, 2011 deposition of Lori Trock in this action.

23. Exhibit 22 to this Declaration is an excerpt from the April 12, 2016 deposition of Carolyn Lowe in this action.

24. Exhibit 23 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0003205-15.

25. Exhibit 24 to this Declaration is a true and correct copy of a document that Defendant Eurofins Product Safety Labs (“EPSL”) produced in discovery which is Bates stamped EPSL04790-93.

26. Exhibit 25 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0006731.

27. Exhibit 26 to this Declaration is a true and correct copy of the Expert Opinion Report submitted in this action by SML’s testifying toxicologist Stephen M. Roberts, Ph.D., dated May 5, 2016.

28. Exhibit 27 to this Declaration is a true and correct copy of a document SML produced in discovery which is Bates stamped SP057511-13.

29. Exhibit 28 to this Declaration is a true and correct copy of a document SML produced in discovery which is Bates stamped SP00546-66.

30. Exhibit 29 to this Declaration is a true and correct copy of a document SML produced in discovery which is Bates stamped SP057514-15.

31. Exhibit 30 to this Declaration is a true and correct copy of a document SML produced in discovery which is Bates stamped SP058637-40.

32. Exhibit 31 to this Declaration is a true and correct copy of a document SML produced in discovery which is Bates stamped SP000804-06.

33. Exhibit 32 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery which is Bates stamped BVCPS0000631-32.

34. Exhibit 33 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped 101892-93.

35. Exhibit 34 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP000573-75.

36. Exhibit 35 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP156925-6.

37. Exhibit 36 to this Declaration is a true and correct copy of a document that SML produced in discovery Bates which is stamped SP006566-71.

38. Exhibit 37 to this Declaration is a true and correct copy of a document that non-party Chemir Analytical Services produced in discovery which is Bates stamped CHEMIR00115-18.

39. Exhibit 38 to this Declaration is a true and correct copy of a document that non-party Chemir Analytical Services produced in discovery which is Bates stamped CHEMIR00009.

40. Exhibit 39 to this Declaration is a true and correct copy of a document that SML produced in discovery Bates which is stamped SP006590-93.

41. Exhibit 40 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP000521-000522.

42. Ex. 41 to this Declaration is an excerpt from the August 19, 2011 deposition of Michael J. Norvell in this action.

43. Exhibit 42 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP056902.

44. Exhibit 43 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP260937-52.

45. Exhibit 44 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP057541-42.

46. Exhibit 45 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP005611-12.

47. Exhibit 46 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP057573-74.

48. Exhibit 47 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP005616.

49. Exhibit 48 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP013844-46.

50. Exhibit 49 to this Declaration is a true and correct copy of a document that BVCPS produced in which is discovery Bates stamped BVCPS0002846.

51. Exhibit 50 to this Declaration is an excerpt from the March 31, 2016 deposition of SML general counsel Christopher Harrs in this action.

52. Exhibit 51 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP232766-71.

53. Exhibit 52 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP261382-96.

54. Ex. 53 to this Declaration is a true and correct copy of the Expert Report submitted in this action by SML's testifying toxicologist Dr. C.G. Rousseaux, dated May 5, 2016.

55. Exhibit 54 to this Declaration is a true and correct copy of a document that SML produced in discovery which is Bates stamped SP260659-64.

56. Ex. 55 to this Declaration is a true and correct copy of the Expert Report submitted in this action by SML's testifying economist Richard M. Conroy, dated May 5, 2016.

57. Ex. 56 to this Declaration is an excerpt from the July 22, 2016 deposition of Richard Conroy in this action.

58. Ex. 57 to this Declaration is a true and correct copy of the Expert Report submitted in this action by BVCPS's testifying toy industry expert Tom DeLuca, dated June 10, 2016.

59. Exhibit 58 to this Declaration is an excerpt from the October 15, 2008 deposition of Carolyn Lowe in Aqua Dots MDL.

60. Exhibit 59 to this Declaration is a true and correct copy of a document that BVCPS produced in discovery in this action which is Bates stamped BVCPS0006810.

61. Exhibit 60 to this Declaration is a true and correct copy of a document that SML produced in discovery in this action which is Bates stamped SP108696-718.

62. Exhibit 61 to this Declaration is an excerpt from the April 13, 2016 deposition of Jennifer Durando in this action.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on: September 30, 2016

s/Eric Blumenfeld
Eric Blumenfeld